

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION, STATE OF CONNECTICUT,
STATE OF MARYLAND, STATE OF
NEW JERSEY, and STATE OF NEW YORK,

Plaintiffs,

v.

ALLEGHENY ENERGY, INC.,
ALLEGHENY ENERGY SERVICE
CORPORATION, ALLEGHENY ENERGY
SUPPLY COMPANY, LLC, MONONGAHELA
POWER COMPANY, THE POTOMAC EDISON
COMPANY, and WEST PENN POWER
COMPANY,

Defendants.

Civil Action No. 2:05cv0885

Chief District Judge Gary L. Lancaster

Electronically Filed

NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs Commonwealth of Pennsylvania, Department of Environmental Protection, and the States of Connecticut, Maryland, New Jersey and New York respectfully notify the Court of a recent decision, *United States v. Louisiana Generating, LLC*, Civ. Act. No. 09-100-JJB-CN, 2011 WL 6012997 (M.D. La. Dec. 1, 2011), a copy of which is attached. This decision addresses an issue currently before the Court as it decides liability in this case, holding that a power plant owner's failure to identify all applicable requirements in an application for a Clean Air Act Title V permit creates liability for a violation of Title V. *Id.* at *11-*15.

Dated: December 20, 2011

Respectfully submitted,

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